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JUN 26 2003
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TO: Examiner Thoa T. Tran / Art Unit 1711

FAX NO.: 703-872-9778

FROM: Jeffrey R. Kurin

RE: Substitute Terminal Disclaimer

DATE: June 26, 2003 Total Pages : 2, including cover sheet

Original will follow by mail: No

If you do not receive all of the pages, please call Teri Muir at 415.362.3800.

MESSAGE (if any):

Re: Application No: 10/023,197 Filed: December 13, 2001
Inventor: Taylor, et al. Our File: SHPR-01041USI

Dear Examiner Tran;

On the following page please find a Terminal Disclaimer to replace the disclaimer previously faxed on May 30, 2003. Minor changes have been made to text of the Terminal Disclaimer to make the language more clear.

Best regards,
Jeffrey R. Kurin
Reg: 41,132

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TERMINAL DISCLAIMER

In re Application of: Taylor et al.
Application No.: 10/023,197
Filed: December 13, 2001
For: Electro-Kinetic Air Transporter-Conditioner with Enhanced Cleaning Features

The owner, Sharper Image Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which, would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any of prior Patent Nos. 6,176,977 and 6,350,417. Sharper Image Corporation hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Sharper Image Corporation does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of any of the prior patents, as presently shortened by any terminal disclaimer, in the event it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Sharper Image Corporation also hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on co-pending Patent Application No. 09/730,499, of any patent granted on the co-pending application. Sharper Image Corporation hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the co-pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Sharper Image Corporation does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of any patent granted on the co-pending application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature

6/23/03
Date

Robert Schultz
Type or printed name

Vice President, Business and Legal Affairs
Title

JRK/SHPR-1041USI/TerminalDisclaimer2.wpd

Received from < 415 362 2928 > at 6/26/03 11:17:57 AM [Eastern Daylight Time]